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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
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12 GEORGE LOPEZ,
13 Petitioner,
14 vs.
15 CALVIN JOHNSON, *et al.*,
16 Respondents.
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Case No.: 2:20-cv-01496-RFB-VCF

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE
RESPONSE TO LOPEZ' FIRST AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS (FIRST REQUEST)**

18 Respondents, Warden Calvin Johnson, *et al.* (Respondents), by and through counsel, Aaron D.
19 Ford, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle, Deputy Attorney General,
20 hereby move this Court for an enlargement of time of sixty days, or up to and including September 5,
21 2023, to file and serve their response to Petitioner George Lopez' (Lopez) first amended petition for
22 writ of habeas corpus. ECF No. 28.

23 This motion is based on the provisions of Rule 6(b)(1)(A) of the Federal Rules of Civil
24 Procedure and the attached Declaration of Counsel, as well as all other papers and pleadings on file
25 herein.

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1 This is Respondents' first request for an enlargement of time to file and serve their answer to
2 Lopez' petition. Respondents make this motion in good faith and not for the purpose of unnecessary
3 delay.

4 RESPECTFULLY SUBMITTED this 7th day of July, 2023.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Gerri Lynn Hardcastle
8 GERRI LYNN HARDCASTLE (Bar No. 13142)
9 Deputy Attorney General
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**DECLARATION OF COUNSEL (IN SUPPORT OF UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE RESPONSE TO LOPEZ' FIRST AMENDED
PETITION FOR WRIT OF HABEAS CORPUS (FIRST REQUEST))**

I, HEATHER D. PROCTER, hereby states, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am the Chief Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. Deputy Gerri Hardcastle is assigned to the matter *Lopez v. Johnson*, Case No. 2:20-cv-01496-RFB-VCF.

3. The current deadline to file Respondents' response to George Lopez's (Lopez) first-amended federal habeas petition is July 7, 2023. This is a first request for enlargement.

4. I have personal knowledge of the representations I make in support of this request. First, Deputy Hardcastle has been ill for several weeks and is currently off work due to illness. In addition, Deputy Hardcastle has an oral argument in the Ninth Circuit on July 19, 2023, for which she must concentrate her preparations over the next two weeks once she regains her health. Finally, due to staff shortages Respondents are still collating the state court record to ensure all pertinent documents are filed. Based upon the foregoing, I respectfully request, on behalf of Deputy Hardcastle, an enlargement of time of 60 days, up to and including September 5, 2023, in which to file the response to Lopez's first-amended federal habeas petition.

5. I contacted petitioner's counsel, Assistant Federal Public Defender Laura Barrera, who has no objection to this extension.

Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.

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1 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the
2 foregoing is true and correct.

3 Dated this 7th day of July 2023.

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5 By: /s/ Heather D. Procter
6 HEATHER D. PROCTER (Bar. No. 8621)
7 Chief Deputy Attorney General
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10 **ORDER**

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12 IT IS SO ORDERED.

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15 RICHARD F. BOULWARE, II
16 UNITED STATES DISTRICT JUDGE

17 DATED this 10th day of July, 2023.
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 7th day of July, 2023, I served a copy of the foregoing, **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSE TO LOPEZ' FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (FIRST REQUEST)**, by U.S. District Court CM/ECF electronic filing to:

Laura Barrera
Assistant Federal Public Defender
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101

/s/ April Markiewicz